

localizing authority for the enforcement of same and placing of penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BERKELEY, Chairman.

THIRTEENTH DAY.

Senate Chamber,

Tuesday, February 1, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Price. |
| Bowers. | Real. |
| Floyd. | Reid. |
| Greer. | Russek. |
| Hall. | Smith. |
| Hardin. | Stuart. |
| Holbrook. | Triplett. |
| Lewis. | Ward. |
| Love. | Westbrook. |
| McFarlane. | Wirtz. |
| Miller. | Wood. |
| Neal. | Woodward. |

Absent.

Witt.

Absent—Excused.

Fairchild. Moore.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Message from the Governor.

The Chair recognized the doorkeeper who introduced a messenger from the Governor with the following Executive Message:

Executive Department,
Austin, Texas, February 1, 1927.
To the Honorable Senate of the State of Texas:
With your advice and consent, I

desire to appoint the following named persons to the office set opposite their several names, respectively:

Judge W. R. Ely of Taylor County, to be a member of the Highway Commission, succeeding Senator Scott Woodward.

Honorable Mitchell Campbell of Anderson County, to be a member of the State Fire Insurance Commission, succeeding Honorable J. J. Timmins.

Honorable Charles McKamey of Grayson County, to be Labor Commissioner, succeeding Miss Fannie Daniels.

Senator F. C. Weinert of Guadalupe County, to be Tax Commissioner, succeeding Honorable Edward Edwards.

Respectfully submitted,

DAN MOODY,
Governor.

Bills and Resolutions.

By Senator Hall:

S. B. No. 225, A bill to be entitled "An Act to amend Subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners' court for presiding over said court, ordering election, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that the amount so paid shall be ex-officio, and not accountable under the maximum fee bill, in counties of 150,000 population or more, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hall:

S. B. No. 226, A bill to be entitled "An Act to create an additional criminal district court for the County of Harris; and to provide for district, jurisdiction, and organization of, and procedure in said court; to provide for the transferring and docketing of cases, and to provide for the trial and disposition of causes during the absence of either judge; to provide for the appointment and election, qualification, jurisdiction, duties, powers and compensation of a judge thereof, etc."

Read first time and referred to Committee on Judicial Districts.

By Senator Holbrook:

S. B. No. 227, A bill to be entitled "An Act authorizing any county in this State upon a vote of two-thirds majority of the resident tax paying voters therein, in addition to all other debts, to issue bonds or warrants, or otherwise lend its credit in an amount not to exceed one-fourth of the assessed valuation of the real property of such county for the purpose of navigation and in aid thereof; providing for the holding of elections for such purpose, the returns of election; the declaration of the result; the issuance of bonds or warrants and the levy of taxes for the payment thereof; giving the right of eminent domain; the right to cooperate with the United States Government for the purposes thereof, and to transfer to the United States Government, right-of-way for navigation purposes, or in aid thereof, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Stuart, Love, Russek, Ward and Holbrook:

S. B. No. 228, A bill to be entitled "An Act to control the flood waters of the Trinity River; declaring that a great public calamity exists in the Trinity River Valley that requires immediate legislation for the prevention of the loss of lives and property in said county; providing for the voting and authorization of bonds for retarding and controlling the flood waters of the Trinity River; providing a method by which Tarrant County Water Control and Improvement District No. 1 may cooperate with the State of Texas in the construction of flood storage and retarding basins by which and through which the flood waters of the Trinity River will be controlled or retarded, etc., and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senators Love, Stuart, Russek, Ward and Holbrook:

S. B. No. 229, A bill to be entitled "An Act releasing the inhabitants of, and property subject to taxation for levee improvements in City and County of Dallas Levee Improvement District and Dallas County Levee Improvement District Number 5, for a

period of twenty-five (25) years from the payment of ad valorem taxes levied for State purposes, because of great public calamities in said levee districts caused by waters and calamitous overflows, as provided in Section 10, of Article 8, of the State Constitution, etc., and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Witt:

S. B. No. 230, A bill to be entitled "An Act creating the County Court at Law of McLennan County, defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk thereof; providing for transfer of all cases pending in the county court of said court; creating the office of Judge of the County Court at Law of McLennan County; providing for the selection of the judge of said court; prescribing his qualifications, fixing his compensations; and limiting the jurisdiction of the County Court of McLennan County and providing for the annual salary of the County Judge."

Read first time and referred to Committee on Judicial Districts.

By Senator Neal:

S. B. No. 231, A bill to be entitled "An Act authorizing board of regents to grant leaves of absence in state educational institutions to teachers and professors to the end that they may prosecute and continue their studies and preparation in other colleges and universities after they have served a certain length of time in the state educational institutions of this State; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McFarlane:

S. B. No. 232, A bill to be entitled "An Act authorizing private corporations to be formed for any one or more of the following purposes. To accumulate and loan money, to sell and deal in notes, bonds and securities but without banking privileges; to act as trustee under any lawful express trust committed to it by contract. And as agent for the performance of any lawful act; to issue debentures, to subscribe for, purchase,

invest in, hold, own, assign, pledge and otherwise deal in and dispose of shares of capital stock, bonds, mortgages, debentures, notes and other securities or obligations, contracts and evidences of indebtedness of foreign or domestic corporations not competing with each other in the same line of business, provided that the power and authority herein conferred shall in no way affect any of the provisions of the anti-trust laws of this State, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane:

S. B. No. 233, A bill to be entitled "An Act regulating and limiting the granting of pardons and executive clemency in this State; providing for a pardon board and prescribing its duties and functions; providing the details necessary and incident to the main purpose of this Act; providing that this Act shall take effect when a constitutional amendment is adopted and becomes effective amending the Constitution of this State so that such a law as this may be enacted; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Parr:

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State of Texas to be used by the Live Stock Sanitary Commission of Texas for the payment of salaries of inspectors in the eradication and control of fever tick and other agencies of transmission, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 235, A bill to be entitled "An Act to amend Title 67, Chapter 3 of the Revised Civil Statutes of 1925, and to provide that any county or city authorized by Title 118 of the Revised Civil Statutes of 1925 to construct, extend, protect, strengthen, maintain, keep in repair, and otherwise improve any seawall or breakwater, levee, dike, floodway, and drainway may take any marl, gravel, sand or mudshell from any of the waters, reefs or bars included in Ti-

tle 67, Chapter 3, Revised Civil Statutes of 1925 for use in any such work without payment therefor by such county or city or by any contractor doing such work for any such county or city to the Game, Fish and Oyster Commissioner, or to the State of Texas, and providing an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 236, A bill to be entitled "An Act prescribing the rule of law as to the effect and legal import as affecting creditors and others of filing chattel mortgages or transfers of same, or true copies thereof in the office of the county clerk, as provided by law, properly defining the word "creditors" as used in this Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Miller:

S. B. No. 237, A bill to be entitled "An Act declaring certain rules as rules of the road to be observed by the operators of motor vehicles upon any highway in this State maintained in whole or in part by the State of Texas or any county therein, and declaring that the failure to observe any such rule by the operator of any motor vehicle shall be prima facie evidence of negligence on the part of such operator, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hall:

S. B. No. 238, A bill to be entitled "An Act to revive and extend for a period of two years from the passage of this Act Oil and Gas Permit No. 2609, embracing two hundred acres in San Jacinto Bay, Harris County, Texas, said reviving and extension to be upon the same terms and conditions on which the original permit was issued, except that the owners who may desire to take advantage of this Act shall pay into the General Land Office within thirty days after the taking effect hereon twenty-five cents per acre for each acre within the permit for the first year and fifty cents per acre for each acre within the permit for the second year; providing for the payment of royalty to the State in the manner

provided by law for other leases in the same locality, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Hall:

S. B. No. 239, A bill to be entitled "An Act to provide for the care of delinquent colored girls; providing for the establishment and maintenance of a State training school for such girls; providing for its location, control and management; authorizing the raising of funds for such purpose and making appropriations to carry out, the purposes of the Act; providing for and authorizing donations from private sources and from counties and cities for such school, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

S. J. R. No. 21.

By Senator Reid, by request.

S. J. R. No. 21. A joint resolution "Proposing an amendment to Article 16 of the Constitution of the State of Texas by inserting a section to be known as Section 30-b of said article, authorizing the terms of office of members of boards of education and all other municipal boards and commissions in cities and towns of whatever population, and of all school trustees to extend for any period of time not to exceed six years, and for the terms of various members of such boards to be overlapping; providing for the submission of such amendment for ratification or rejection at the next general election; making an appropriation to defray the expenses of said election."

Read first time and referred to Committee on Constitutional Amendments.

S. C. R. No. 11.

Senator Bailey sent up the following resolution:

Whereas, the people of Texas have been informed that Governor Albert C. Ritchie of Maryland, Publicist, Statesman and Patriot, contemplates visiting, in the near future the South and Southwest and his itinerary will include Texas and the city of Austin,

Therefore, be it Resolved, by the Senate of Texas, the House of Rep-

resentatives concurring, that he be cordially invited to address the Legislature of Texas in the Senate Chamber at 8 o'clock in the evening of any day during the present session of the Legislature that may suit his convenience.

Be it further Resolved, that a copy of this invitation be mailed to Governor Ritchie by the Secretary of the Senate.

The resolution was read and adopted.

Simple Resolution No. 42.

Senator Parr sent up the following resolution:

Whereas, it is understood that Governor Al Smith is contemplating a visit to the South,

Therefore, be it Resolved that he be invited to address the Legislature of Texas.

The resolution was read and adopted.

Senate Bill No. 9.

Senator Love moved that S. B. No. 9 be printed upon a favorable minority report.

The motion was adopted by the following vote:

Yeas—18.

| | |
|------------|------------|
| Berkeley. | Price. |
| Bledsoe. | Reid. |
| Greer. | Smith. |
| Hall. | Stuart. |
| Hardin. | Triplett. |
| Lewis. | Westbrook. |
| Love. | Witt. |
| McFarlane. | Wood. |
| Pollard. | Woodward. |

Nays—9.

| | |
|-----------|---------|
| Bowers. | Real. |
| Holbrook. | Russek. |
| Miller. | Ward. |
| Parr. | Wirtz. |

Absent.

| | |
|---------|-------|
| Bailey. | Neal. |
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Absent—Excused.

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| Fairchild. | Moore. |
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Simple Resolution No. 43.

Senator Pollard sent up the following resolution:

Whereas, it is necessary that pho-

tographs of members of the Senate be made this Session,

Therefore, be it Resolved, that the Lieutenant Governor appoint a committee of three Senators to arrange for the photograph of Senators be made and framed and hung in the Senate Chamber, the expense

to be paid out of the contingent expense fund of the Senate.

The resolution was read and adopted.

Committee Appointed.

The Chair appointed the following Picture Committee: Senator Pollard, Senator Parr, and Senator Miller.

Senate Bill No. 105.

At the conclusion of the morning call, the Chair laid before the Senate on special order the following bill:

By Senator Pollard:

S. B. No. 105, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas, to place switchlights on all their main line switches and to keep the same lighted from sunset until sunrise; except the main line switches that are now or may hereafter be operated by automatic signal devices; and requiring all railway corporations in the State of Texas to place single vane targets on all main line switches, and providing penalties and remedies for the violation of any of the provisions of this Act; repealing Article 6373 of the Chapter 8, Title 112 of the Revised Civil Statutes of 1925, and declaring an emergency."

The committee amendment was adopted.

Senator Pollard moved the adoption of the majority report. Senator Bowers made a substitute motion that the minority report be adopted.

The minority report was adopted by the following vote:

Yeas—17.

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|-----------|-----------|
| Bailey. | Price. |
| Berkeley. | Russek. |
| Bowers. | Smith. |
| Floyd. | Triplett. |
| Hardin. | Ward. |
| Holbrook. | Wirtz. |
| Lewis. | Witt. |
| Miller. | Wood. |
| Parr. | |

Nays—10.

| | |
|------------|------------|
| Bledsoe. | Pollard. |
| Hall. | Real. |
| Love. | Reid. |
| McFarlane. | Stuart. |
| Neal. | Westbrook. |

Absent.

| | |
|--------|-----------|
| Greer. | Woodward. |
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Absent—Excused.

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| Fairchild. | Moore. |
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Senate Bill No. 58.

The Chair laid before the Senate on third reading the following bill:

By Senator Berkeley:

S. B. No. 58, A bill to be entitled "An Act to amend Article 3116 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, 1925, regulating the assessment of candidates for the payment of primary expenses and providing that no candidate's name shall be placed upon the ballot unless he shall have paid his share of such expenses so as to limit the amount required to be paid by candidates for Chief Justice or Associate Justice of a Court of Civil Appeals, or for representative in Congress or for District Judge or District Attorney or any other district office in Representative of Judicial Districts composed of four or more counties and declaring an emergency."

The bill was read third time and finally passed.

Senate Bill No. 172.

The Chair laid before the Senate on third reading the following bill:

By Senator Woods:

S. B. No. 172, A bill to be entitled "An Act validating certain cities and towns incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes, 1925, having 600 inhabitants or over, and declaring an emergency."

The bill was read third time and finally passed.

Yeas—29.

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|-----------|---------|
| Bailey. | Floyd. |
| Berkeley. | Greer. |
| Bledsoe. | Hall. |
| Bowers. | Hardin. |

| | |
|------------|------------|
| Holbrook. | Russek. |
| Lewis. | Smith. |
| Love. | Stuart. |
| McFarlane. | Triplett. |
| Miller. | Ward. |
| Neal. | Westbrook. |
| Parr. | Wirtz. |
| Pollard. | Witt. |
| Price. | Wood. |
| Real. | Woodward. |
| Reid. | |

Absent—Excused.

Fairchild. Moore.

Message from the House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 57, A bill to be entitled "An Act to amend Articles 2238, 2239, and 2240, of the Revised Civil Statutes of Texas of 1925, by adding Articles 2242a and 2241b, providing that if appellant or his attorney delivers bills of exceptions and statements of fact to appellee or his attorney, and same are not returned to the appellant or his attorney, approved or disapproved within ten days after same have been delivered to him, the judge of the trial court shall thereupon, on proof being offered by appellant or his attorney that ten days or more have elapsed and that said bills of exceptions and statements of facts have not been returned to appellant or his attorney, make out and file proper bills of exceptions and statement of facts."

H. B. No. 75, A bill to be entitled "An Act to further regulate the contest of certificate of nomination in primary elections by amending Article 3152 of the Revised Civil Statutes of 1925."

H. B. No. 128, A bill to be entitled "An Act to provide for the examination, testing and reading of electric light, power, natural and artificial gas meters used by private concerns to determine the amount of power or gas used by their consumers, on complaint made by any of said consum-

ers, in incorporated cities, towns or villages having a population of forty thousand, (40,000) or less, within this State; said examination, testing and reading to be made by the agents of the city council or city commissioners in said cities, towns or villages on complaint being made as aforesaid to them by said consumers; and further providing for the making of reports to such complaining consumers as to results of said tests, reading and examination; providing a penalty for refusal to comply with any of the provisions of this Act, and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act to amend Article 2350 of the Revised Civil Statutes of Texas, changing the year upon which is based the assessed valuation of taxable properties affected by the Act to be amended relating to the compensation of county commissioners, and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act to permit applicants for writs of habeas corpus in all criminal cases where the maximum penalty for such offense does not exceed the punishment of confinement in the State Penitentiary for more than ten years, when the relief prayed for by such applicant is denied by the judge or the court that applicant's petition is filed in a court of competent jurisdiction, and appeal is taken from such judgment or order of the trial court to the Court of Criminal Appeals of the State of Texas, such applicant may execute a good and sufficient bond, to be approved by the court or judge as now provided under provisions of Title 10 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

H. B. No. 231, A bill to be entitled "An Act to authorize the judge of any district court, or other court having jurisdiction, to appoint a receiver or receivers for any defunct or disorganized church or congregation and authorize the management, sale or other disposition of any and all properties, real, personal, mixed and choses in action; and authorizing such court in such cases where such church or congregation may not in the judgment of such court be reorganized within reasonable time, to deliver such property or its proceeds to a church or congregation, a reli-

gious or governing body or other ecclesiastical head, or a State missionary society, of like faith and order, to be used or expended for the use of a church, churches, denomination or communion of like faith and order, and declaring an emergency."

Refused to engross:

H. B. No. 127, A bill to be entitled "An Act to prevent deception in the sale of paints, oils, naval stores, turpentine, and providing for true labels for the same when offered for sale; providing for the enforcement of this Act by the Food and Drug Division of the State Board of Health; providing for the appointment of a chemist and an inspector by the Director of the Food and Drug Division of the State Board of Health for the enforcement of this Act; providing for penalties for the violation of this Act; making appropriations for the payment of a chemist and an inspector to be appointed by the Director of the Food and Drug Division of the State Board of Health for the purpose of the enforcement of this Act; and making an appropriation for traveling and clerical expenses incurred by the Director of the Food and Drug Division of the State Board of Health and his inspector and chemist in the enforcement of this Act, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY.

Chief Clerk, House of Representatives.

House Bills on First Reading.

The following House Bills were laid before the Senate, read, severally, first time and referred to appropriate committees:

H. B. No. 128 referred to Committee on State Affairs.

H. B. No. 137 referred to Committee on Finance.

H. B. No. 140 referred to Committee on Criminal Jurisprudence.

H. B. No. 231 referred to Committee on Civil Jurisprudence.

H. B. No. 57 referred to Committee on Civil Jurisprudence.

H. B. No. 75 referred to Committee on Privileges and Elections.

Senate Bill No. 25.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 25, A bill to be entitled "An Act fixing the salaries of Judges

of the Supreme Court, of the Court of Criminal Appeals, of the Judges of the Commission of Appeals and of the Commission in aid of the Court of Criminal Appeals, and Judges of the Courts of Civil Appeals and District Courts of this State, and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

Senator Stuart sent up the following amendment:

Amend Senate Bill No. 25, as amended, by inserting in line 22 the figures "\$6,000.00" in lieu of the figures "\$5,000.00."

Senator Real moved that the amendment be tabled.

The motion was adopted by the following vote:

Yeas—15.

| | |
|------------|------------|
| Bailey. | Real. |
| Hardin. | Russek. |
| Holbrook. | Smith. |
| Lewis. | Triplett. |
| McFarlane. | Westbrook. |
| Miller. | Wirtz. |
| Neal. | Woodward. |
| Price. | |

Nays—12.

| | |
|-----------|----------|
| Berkeley. | Pollard. |
| Bledsoe. | Reid. |
| Bowers. | Stuart. |
| Floyd. | Ward. |
| Hall. | Witt. |
| Love. | Wood. |
| Parr. | |

Absent.

Greer.

Absent—Excused.

Fairchild. Moore.

Recess.

At 12:00 p. m. the Senate on the motion of Senator Wirtz stood recessed until 2:30 p. m. this afternoon.

After Recess.

The Senate was called to order by the Lieutenant Governor Barry Miller at 2:30 p. m., pursuant to recess.

Senate Bill No. 25.

The question recurred upon the engrossment of S. B. No. 25.

Senator Stuart sent up the following amendment:

Amend Senate Bill No. 25, as amended, by inserting in line 22 the figure "\$5,500.00" in lieu of the figures "\$5,000.00."

The amendment was read and adopted by the following vote:

Yeas—17.

| | |
|-----------|------------|
| Berkeley. | Russek. |
| Bledsoe. | Smith. |
| Bowers. | Stuart. |
| Hall. | Ward. |
| Love. | Westbrook. |
| Neal. | Wirtz. |
| Parr. | Witt. |
| Pollard. | Wood. |
| Reid. | |

Nays—5.

| | |
|-----------|------------|
| Greer. | McFarlane. |
| Holbrook. | Triplett. |
| Lewis. | |

Present—Not Voting.

Woodward.

Absent.

| | |
|---------|---------|
| Bailey. | Miller. |
| Floyd. | Price. |
| Hardin. | Real. |

Absent—Excused.

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|------------|--------|
| Fairchild. | Moore. |
|------------|--------|

The bill was engrossed by the following vote:

Yeas—17.

| | |
|-----------|------------|
| Berkeley. | Russek. |
| Bledsoe. | Smith. |
| Bowers. | Stuart. |
| Hall. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| Parr. | Witt. |
| Pollard. | Wood. |
| Reid. | |

Nays—5.

| | |
|------------|-----------|
| Greer. | Neal. |
| Holbrook. | Triplett. |
| McFarlane. | |

Present—Not Voting.

Woodward.

Absent.

| | |
|---------|---------|
| Bailey. | Miller. |
| Floyd. | Price. |
| Hardin. | Real. |

Absent—Excused.

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|------------|--------|
| Fairchild. | Moore. |
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On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 25 was put on its third reading and final passage, by the following vote:

Yeas—23.

| | |
|------------|------------|
| Berkeley. | Reid. |
| Bledsoe. | Russek. |
| Bowers. | Smith. |
| Greer. | Stuart. |
| Hall. | Triplett. |
| Holbrook. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Neal. | Wood. |
| Parr. | Woodward. |
| Pollard. | |

Absent.

| | |
|---------|---------|
| Bailey. | Miller. |
| Floyd. | Price. |
| Hardin. | Real. |

Absent—Excused.

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|------------|--------|
| Fairchild. | Moore. |
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The bill was read third time and passed finally.

House Bill No. 313.

Senator Reid received unanimous consent to take up out of its order the following bill:

H. B. No. 313, A bill to be entitled "An Act amending Title 8, Article 199, of the Revised Civil Statutes of the State of Texas, 1925, p. 100, Subdivision 47, third paragraph, by providing for the reorganization of the Forty-seventh Judicial District, naming the counties constituting the same, and creating and organizing the One Hundred and Eighth Judicial District of Texas, and naming the county constituting same; fixing the times and terms of the holding of the district court in the counties of such respective districts; and providing for the appointment of a district judge for the One Hundred and Eighth Judicial District, and making provisions in reference to processes issued, bonds and recognizances made and grand and petit jurors drawn before this Act takes effect, and providing for the continuance in office of the judge and district attorney, respectively, for the Forty-seventh Judicial District; also, providing for the

jurisdiction of said courts as to civil and criminal business, and fixing the time of taking effect of this Act, and repealing all laws in conflict herewith, and declaring an emergency."

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 313 was put on its second reading and final passage, by the following vote:

Yeas—26.

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Reid. |
| Bowers. | Russek. |
| Floyd. | Smith. |
| Greer. | Stuart. |
| Hall. | Triplett. |
| Holbrook. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Wood. |
| Neal. | Woodward. |

Absent.

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|---------|-------|
| Hardin. | Real. |
| Price. | |

Absent—Excused.

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| Fairchild. | Moore. |
|------------|--------|

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Reid, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 313 was put on its third reading and final passage, by the following vote:

Yeas—26.

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Reid. |
| Bowers. | Russek. |
| Floyd. | Smith. |
| Greer. | Stuart. |
| Hall. | Triplett. |
| Holbrook. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Wood. |
| Neal. | Woodward. |

Absent.

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|---------|-------|
| Hardin. | Real. |
| Price. | |

Absent—Excused.

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|------------|--------|
| Fairchild. | Moore. |
|------------|--------|

The bill was read third time and passed finally, by the following vote:

Yeas—22.

| | |
|------------|------------|
| Berkeley. | Parr. |
| Bledsoe. | Pollard. |
| Bowers. | Reid. |
| Floyd. | Russek. |
| Hall. | Smith. |
| Holbrook. | Stuart. |
| Lewis. | Triplett. |
| Love. | Ward. |
| McFarlane. | Westbrook. |
| Miller. | Witt. |
| Neal. | Wood. |

Present—Not Voting.

| | |
|--------|--------|
| Greer. | Wirtz. |
|--------|--------|

Absent.

| | |
|---------|-----------|
| Bailey. | Real. |
| Hardin. | Woodward. |
| Price. | |

Absent—Excused.

| | |
|------------|--------|
| Fairchild. | Moore. |
|------------|--------|

Motion for Committee on Nominations of the Governor to Report.

On the motion of Senator Love the Committee on Governors' Nominations were instructed to report forthwith on the Governors' Nominations.

Senate Bill No. 234.

Senator Parr received unanimous consent to take up out of its order the following bill:

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State of Texas to be used by the Live Stock Sanitary Commission of Texas for the payment of salaries of inspectors in the eradication and control of fever tick and other agencies of transmission, and declaring an emergency."

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 234 was

put on its second reading and final passage, by the following vote:

Yeas—26.

| | |
|------------|------------|
| Berkeley. | Price. |
| Bledsoe. | Real. |
| Bowers. | Reid. |
| Floyd. | Russek. |
| Hall. | Smith. |
| Holbrook. | Stuart. |
| Lewis. | Triplett. |
| Love. | Ward. |
| McFarlane. | Westbrook. |
| Miller. | Wirtz. |
| Neal. | Witt. |
| Parr. | Wood. |
| Pollard. | Woodward. |

Present—Not Voting.

Greer.

Absent.

Bailey. Hardin.

Absent—Excused.

Strong. Moore.

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 234 put on its third reading and final passage, by the following vote:

Yeas—27.

| | |
|------------|------------|
| Berkeley. | Price. |
| Bledsoe. | Real. |
| Bowers. | Reid. |
| Floyd. | Russek. |
| Greer. | Smith. |
| Hall. | Stuart. |
| Holbrook. | Triplett. |
| Lewis. | Ward. |
| Love. | Westbrook. |
| McFarlane. | Wirtz. |
| Miller. | Witt. |
| Neal. | Wood. |
| Parr. | Woodward. |
| Pollard. | |

Absent.

Bailey. Hardin.

Absent—Excused.

Fairchild. Moore.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Price. |
| Bowers. | Real. |
| Floyd. | Reid. |
| Greer. | Russek. |
| Hall. | Smith. |
| Holbrook. | Stuart. |
| Lewis. | Triplett. |
| Love. | Ward. |
| McFarlane. | Westbrook. |
| Miller. | Wood. |
| Neal. | |

Absent.

Hardin. Witt.
Wirtz. Woodward.

Absent—Excused.

Fairchild. Moore.

Senate Bill No. 16.

Senator Bailey called from the table the following bill:

S. B. No. 16, A bill to be entitled "An Act to make it unlawful for any person, firm or private corporation within this State to divert the natural flow of the surface waters in this State, or to permit such a diversion to continue after the passage of this Act, or to impound any waters or to permit the impounding thereof to continue after the passage of this Act in such a manner as to damage the property of another; and to provide that in all such cases the injured party shall have remedies, both at law and in equity, including damages occasioned thereby, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage, by the following vote:

Yeas—28.

| | |
|-----------|------------|
| Bailey. | Hardin. |
| Berkeley. | Holbrook. |
| Bledsoe. | Lewis. |
| Bowers. | Love. |
| Floyd. | McFarlane. |
| Greer. | Miller. |
| Hall. | Neal. |

| | |
|----------|------------|
| Parr. | Stuart. |
| Pollard. | Triplett. |
| Price. | Ward. |
| Real. | Westbrook. |
| Reid. | Wirtz. |
| Russek. | Wood. |
| Smith. | Woodward. |

Absent.

Witt.

Absent—Excused.

Fairchild. Moore.

The bill was read third time.
 Senator Holbrook sent up the following amendment:

Amendment No. 1, S. B. No. 16.

By Senator Holbrook:

Amend S. B. No. 16 by inserting after the word "irrigation" in line 32 of the bill the words "or other purposes" and inserting in line 31 the words "the purpose of."

The amendment was read and adopted unanimously.

The bill was finally passed by the following vote:

Yeas—28.

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Price. |
| Bowers. | Real. |
| Floyd. | Reid. |
| Greer. | Russek. |
| Hall. | Smith. |
| Hardin. | Strong. |
| Holbrook. | Triplett. |
| Lewis. | Ward. |
| Love. | Westbrook. |
| McFarlane. | Wirtz. |
| Miller. | Wood. |
| Neal. | Woodward. |

Absent.

Witt.

Absent—Excused.

Fairchild. Moore.

Senate Bill No. 57.

Senator Reid moved to reconsider the vote by which S. B. No. 57 failed to be engrossed.

Senator Bailey moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—16.

| | |
|-----------|-----------|
| Bailey. | Pollard. |
| Bledsoe. | Russek. |
| Bowers. | Stuart. |
| Floyd. | Triplett. |
| Greer. | Ward. |
| Hall. | Wirtz. |
| Holbrook. | Wood. |
| Miller. | Woodward. |

Nays—11.

| | |
|------------|------------|
| Berkeley. | Real. |
| Love. | Reid. |
| McFarlane. | Smith. |
| Neal. | Westbrook. |
| Parr. | Witt. |
| Price. | |

Absent.

Hardin. Lewis.

Absent—Excused.

Fairchild. Moore.

Executive Session.

At 3:25 p. m. on the motion of Senator Hall the Senate went into executive session to consider the nominations of the Governor.

After Executive Session.

The Secretary reported to the Journal Clerk the confirmation in Executive Session of the following nominees of the Governor:

Judge W. R. Ely of Taylor County, to be a member of the Highway Commission, succeeding Senator Scott Woodward.

Honorable Mitchell Campbell of Anderson County, to be a member of the State Fire Commission, succeeding Honorable J. J. Timmins.

Honorable Charles McKamey of Grayson County, to be Labor Commissioner, succeeding Miss Fannie Daniels.

Senator F. C. Weinert of Guadalupe County, to be Tax Commissioner, succeeding Honorable Edward Edwards.

Honorable R. H. Baker, of Travis County, as a member of the Prison Commission, to succeed Honorable S. C. Granberry.

Honorable R. L. Batts of Travis County, to be a member of the Board of Regents of the University of Texas.

Honorable Will C. Hogg of Harris County, to be a member of the Board of Regents of the University of Texas.

Adjournment.

The Senate at 4:10 p. m. adjourned until tomorrow, Wednesday morning at 10:00 a. m.

APPENDIX.**Petitions and Memorials.**

Petition from citizens of Hereford favoring the increase salaries for judges of higher courts.

Petition from mass meeting in Karnes County opposing legislative limiting cotton acreage.

Petition from citizens of Stockdale, Texas favoring amendment of game laws.

Petition from Commissioners' of San Patricio County favoring a 3 cent tax on gasoline.

Privileged Committee Reports Bill.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 25 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 234 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 155 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No.

173 carefully examined and compared and find the same to be correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 123 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 172 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 142 carefully examined and compared and find the same to be correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 139 carefully examined and compared and find the same to be correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 96 carefully examined and compared and find the same to be correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Engrossed Bills have had S. B. No. 56 carefully examined and compared and find the same to be correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 313, A bill to be entitled "An Act amending Title 8, Article 199 of the Revised Civil Statutes of the State of Texas, 1925, pp. 100, Subdivision 47, third paragraph, by providing for the re-organization of the Forty-seventh Judicial District naming the counties constituting the same and creating and organizing the One Hundred and Eighth Judicial District of Texas, and naming the county constituting same; fixing the times and terms of the holding of the district court in the counties of such respective districts; and providing for the appointment of a District Judge for the One Hundred and Eighth Judicial District; and making provisions in reference to processes issued; bonds and recognizances made and grand petit jurors drawn before this Act takes effect; and providing for the continuance in office of the judge and district attorney, respectively, for the Forty-seventh Judicial District; also providing for the jurisdiction of said courts as to civil and criminal business; and fixing the time of taking effect of this Act, and providing for the District Clerk, and repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,
PRICE, Chairman;
REID,
LEWIS,
BERKELEY.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Com-

mittee on Judicial Districts, to whom was referred

S. B. No. 233, A bill to be entitled "An Act changing the time for holding court in the Twenty-eighth Judicial District amending Section 28 of Article 199 of Title 8 of the Revised Statutes of Texas; changing the time of holding the terms of the District Court of the Twenty-eighth Judicial District of Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.
REID,
LEWIS,
BERKLEY.

(Majority Report.)

Committee Room,
Austin, Texas, Jan. 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: A majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 9, A bill to be entitled "An Act repealing Chapter 184 of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, being Senate Bill No. 252, entitled 'An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceeding, a full and unconditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office of honor, trust or profit under the Senate of Texas.'"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

WOODWARD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Jan. 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 9, A bill to be entitled "An Act repealing Chapter 184 of the General Laws of the State of Texas, passed by the Thirty-ninth Legislature, being Senate Bill No. 252, entitled: 'An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceeding, a full and unconditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office of honor, trust or profit under the Senate of Texas.'"

Beg to differ with a majority of your Committee and report the same back to the Senate with the recommendation that it do pass.

McFARLANE,
BLEDSON,
WOOD.

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 224, A bill to be entitled "An Act creating the La Mota Negra Independent School District in Brooks County, Texas. Defining its boundaries, providing for the election and qualification of trustees thereof, and vesting said district with the rights, powers, duties and privileges of district incorporated under the General Law for Free School Purposes, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, Jan. 29, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 13, Requesting formal assent of the Legislature accepting the Purnell Fund from the United States Government.

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, Jan. 29, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 149, A bill to be entitled "An Act making an emergency appropriation of four thousand, eight hundred (\$4,800.00) dollars for finishing the remodeling and strengthening of what is commonly known as the Old Austin College building, the same being one of the buildings of the Sam Houston State Teachers College plant at Huntsville, Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Finance, to whom was referred

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue of the State of Texas to be used by the Live Stock Sanitary Commission of Texas for the payment of salaries of inspectors in the eradication and control of fever tick (*Margaropus Annotatus*) and other agencies of transmission of infectious, contagious and communicable diseases of live stock, and declaring an emergency.

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, Feb. 2, 1927.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|------------|------------|
| Bailey. | Parr. |
| Berkeley. | Pollard. |
| Bledsoe. | Real. |
| Bowers. | Reid. |
| Fairchild. | Russek. |
| Floyd. | Smith. |
| Greer. | Stuart. |
| Hall. | Triplett. |
| Holbrook. | Ward. |
| Lewis. | Westbrook. |
| Love. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Wood. |
| Neal. | Woodward. |

Absent.

Hardin. Price.

Absent—Excused.

Moore.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 240, A bill to be entitled "An Act providing for the manner of rendition of real estate for taxes, giving a description of the value of the land and improvements separately; requiring the State Comptroller

to furnish such blank forms as will show the separate rendition of lands and lots from the improvements therein and thereon, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Neal:

S. B. No. 241, A bill to be entitled "An Act to compel all subdivisions of the State when collecting ad valorem taxes, to assess all property at the same value placed on it by the county authorities to collect State and county taxes."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. B. No. 242, A bill to be entitled "An Act providing for the regulation of automobile insurance by the Commissioner of Insurance; providing a penalty for the violation of the provisions thereof, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Holbrook:

S. B. No. 243, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, Revised Civil Statutes of the State of Texas, 1925, relating to private corporations, by adding thereto a section providing for the formation of private corporations to own, operate and maintain amusement parks, theatres and recreation grounds, with power to maintain, conduct and operate theatrical performances, shows, enterprises and devices for amusement and recreation, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Smith:

S. B. No. 244, A bill to be entitled "An Act amending Article 544, of the Penal Code of Texas, of 1925, relating to loans or credits of incorporated banks or trust companies chartered under the laws of this State; reducing the amount of loan or credit in proportion to the capital stock and surplus of any such bank or trust company that may be extended or made to any individual, corporation, company or firm, and declaring an emergency."

Read first time and referred to Committee on Banking.